

## REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance of this patent application is earnestly solicited.

Claims 1-23 stand rejected. Independent claim 1 and dependent claims 4, 16 and 17 have been amended. Claims 3, 5 and 13-15 have been canceled without prejudice. Claims 1-2, 4, 6-12 and 16-23 are pending in this application. No new matter has been introduced.

In the Office Action, the Examiner objected to the Specification for not containing section headings. Applicant notes that a Substitute Specification, with appropriate section headings, was filed on August 15, 2005 (the PTO's online ("PAIR") records show that the PTO received and entered the Substitute Specification on that date). Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to the Specification.

Regarding the claims, the Examiner rejected independent claim 1 and dependent claims 2-4 and 6-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,332,623 ("Behmenburg"). In addition, the Examiner rejected independent claim 1 and dependent claims 2-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,881,753 ("Shima"). Applicant respectfully traverses these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicant's invention is directed to embodiments of an air-suspension system for a vehicle. The inventive system includes pneumatic bellows connected by a valve arrangement to at least one other component of the system in order to selectively increase or decrease the amount of compressed air therein. The other component(s) contains a volume. Undesirable changes in the amount of compressed air inside the bellows resulting from pressure compensation may be avoided or reduced to a non-disruptive level by a check valve between the valve arrangement and the volume. The check

valve allows compressed air to flow in the same direction in all operating conditions of the system. Because the compressed air flows in one uniform direction, the check valve prevents compressed air from flowing from the bellows to the volume.

Applicant has amended independent claim 1 to more particularly point out and distinctly claim the foregoing. More particularly, claim 1 has been amended to further recite that the volume has a first partial volume and a second partial volume and that the other component(s) includes at least one air-discharge/dryer device having at least one air dryer, at least a part of which forms at least a part of the second partial volume. Claim 1 has also been amended to further recite that a first check valve prevents compressed-air flow from the first partial volume into the at least one air-suspension bellows and a second check valve prevents compressed-air flow from the air-suspension bellows into the second partial volume.

Behmenburg cited by the Examiner describes embodiments of a vehicle level adjustment device having a compressor connected to air springs via an air dryer. Each air spring is connected to the atmosphere through the air dryer and a first pneumatically controlled distribution valve. The input of the first distribution valve is impinged through a second distribution valve with the pressure from the air springs acting against a restoring force acting on the input. A check valve is disposed between the air dryer and the air springs to prevent compressed-air flow from the air springs to the air dryer. The air dryer is also connected to the air springs through a third distribution valve, wherein the input for the third distribution valve is impinged upon with pressure in the air springs against a restoring force acting on the input.

Shima also cited by the Examiner describes embodiments of a vehicle air suspension system having a compressor for supplying air to air springs via a raising valve disposed on a first path and via a lowering valve disposed on a second path. An air dryer is

disposed on the first path between the compressor and an air accumulator. A discharge valve connecting the air circuit to the atmosphere is located on an exhaust path branched from the first path between the air dryer and the compressor. A first check valve is disposed between the compressor and the air springs to prevent compressed-air flow from the compressor to the air springs. A second check valve is provided between the air dryer and the air springs to prevent compressed-air flow from the air springs to the air dryer.

Neither Behmenburg nor Shima suggest or teach the system according to the present invention employing a volume having a first partial volume and a second partial volume and the further component(s) including at least one air-discharge/dryer device having at least one air dryer at least a part of which forms at least a part of the second partial volume. In addition, the cited references do not suggest or teach that the first check valve to prevent compressed-air flow from the first partial volume into the air-suspension bellows and the second check valve to prevent compressed-air flow from the at least one air-suspension bellows into the second partial volume.

Contrary to the Examiner's contention, check valve 218 of Shima does not prevent compressed air flow from the actuators to the air drier because it is bypassed by throttle 216. *See* Shima at 7:20-27. The function of check valve 218 of Shima differs from the function of check valve 50 of the present invention. The purpose of the check valve and throttle combination of Shima is to enable the rapid filling of the accumulator and effective regeneration of the air drier. The rapid filling and effective regeneration is enabled by check valve 218 and throttle 216 being in parallel which forces air to flow through throttle 216 during the regeneration process. Thus, check valve 218 facilitates, rather than prevents, compressed-air flow into the air drier.


The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the system of the present invention as claimed in independent claim 1 differs in structure and arrangement from the system disclosed in Behmenburg and Shima, as provided above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claim 1 is thus patentable over Behmenburg and Shima. Notice to this effect is earnestly requested.

It is further submitted that dependent claims 2, 4, 6-12 and 16-23 are also allowable by reason of their various dependencies from independent claim 1, as well as for the additional features and structure recited therein. Notice to this effect is also earnestly requested.

On the basis of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for immediate allowance. Notice to this effect is earnestly solicited. The Examiner is invited to contact Applicant's undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

A check in the amount of \$120.00 covering the fee for the Petition for a One-Month Extension of Time submitted herewith is enclosed. Please charge any fee deficiency, and credit any overpayment, to Deposit Account No. 50-0540.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Randy Lipsitz', is written over a horizontal line.

Randy Lipsitz, Esq.

Registration No. 29,189

Richard L. Moss, Esq.

Registration No. 39,782

Leslie K. Nguyen, Esq.

Registration No. 49,081

Attorneys for Applicant

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9100